

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

**UNITED STATES OF AMERICA,** : :

**Plaintiff,** : :

v. : **Civil No.**

**One Smith & Wesson M&P 9mm  
Handgun, Serial Number HKT8908,  
including Magazine and Nineteen (19)  
Rounds of Ammunition,** : :

**Defendant.** : :

: : : : :

**VERIFIED COMPLAINT FOR FORFEITURE**

Plaintiff, the UNITED STATES OF AMERICA, by its attorneys, Robert K. Hur, United States Attorney for the District of Maryland, and Tamera L. Fine, Assistant United States Attorney, brings this complaint and alleges as follows in accordance with Supplemental Rule G(2) of the Federal Rules of Civil Procedure:

**NATURE OF THE ACTION**

1. This is a civil forfeiture action against a firearm and ammunition in the possession of a convicted felon that is subject to forfeiture pursuant to 18 U.S.C. § 924(d)(1); moreover, the firearm is subject to forfeiture pursuant to 21 U.S.C. § 881(a)(11) for its use or intended use in facilitating a violation of the Controlled Substances Act.

**THE DEFENDANT IN REM**

2. The Defendant Property is one Smith & Wesson M&P 9mm Handgun, bearing serial number HKT8908, including magazine and nineteen (19) rounds of ammunition (“the Defendant Property”). Officers with the Drug Enforcement Administration (“DEA”), along with other Maryland state and local agencies, seized the Defendant Property on November 7, 2017, from

Anthony Joseph Roper (“Roper”) pursuant to the execution of a state search and seizure warrant at Roper’s residence at 617 Homer Street, Salisbury, Maryland. The Defendant Property was placed in the custody of the DEA in the state and district of Maryland.

**JURISDICTION AND VENUE**

3. Plaintiff brings this action *in rem* in its own right to forfeit and condemn the Defendant Property. This Court has jurisdiction over an action commenced by the United States under 28 U.S.C. § 1345, over an action for forfeiture under 28 U.S.C. § 1355(a), and over this particular action under 18 U.S.C. § 924(d) and 21 U.S.C. § 881.

4. This court has *in rem* jurisdiction over the Defendant Property under 28 U.S.C. § 1355(b). Upon the filing of this complaint, the plaintiff requests that the Court issue an arrest warrant *in rem* pursuant to Supplemental Rule G(3)(b), which the plaintiff will execute upon the property pursuant to 28 U.S.C. § 1355(d) and Supplemental Rule G(3)(c).

5. Venue is proper in this district pursuant to 28 U.S.C. § 1355(b)(1) because the acts or omissions giving rise to the forfeiture occurred in this district and pursuant to 28 U.S.C. § 1395 because the property is located in this district..

**BASIS FOR FORFEITURE**

6. The Defendant Property is subject to forfeiture pursuant to 18 U.S.C. § 924(d)(1) as a firearm and ammunition involved or used in any knowing violation of 18 U.S.C. § 922(g)(1) (felon in possession of any firearm or ammunition); moreover, the defendant firearm is subject to forfeiture pursuant to 21 U.S.C. § 881(a)(11) as a firearm used or intended to be used to facilitate the transportation, sale, receipt, possession, or concealment of a controlled substance or proceeds traceable thereto.

**FACTS**

7. The forfeiture is based upon, but not limited to, the evidence outlined in the attached Declaration of Ryan C. Hewitt, Special Agent of the Drug Enforcement Administration, which is incorporated herein by reference.

**WHEREFORE**, plaintiff, the United States of America, prays that all persons who reasonably appear to be potential claimants with interests in the Defendant Property be cited to appear herein and answer the Complaint; that the Defendant Property be forfeited and condemned to the United States of America; that upon Final Decree of Forfeiture, the United States dispose of the Defendant Property according to law; and that the plaintiff have such other and further relief as this Court deems proper and just.

Date: September 7, 2018

Respectfully submitted,

Robert K. Hur  
UNITED STATES ATTORNEY  
District of Maryland

  
Tamera L. Fine  
Assistant United States Attorney  
36 South Charles Street  
Fourth Floor  
Baltimore, Maryland 21201  
Tel: (410) 209-4800

**VERIFICATION**

I, Tamera L. Fine, declare under penalty of perjury as provided by 28 U.S.C. § 1746, that the foregoing Verified Complaint for Forfeiture is based on reports and information furnished to me by the Drug Enforcement Administration, and that everything contained therein is true and correct to the best of my knowledge and belief.

Date: 9-7-18

  
Tamera L. Fine  
Assistant United States Attorney

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FOR THE DISTRICT OF MARYLAND**

<b>UNITED STATES OF AMERICA,</b>	:	
<b>Plaintiff,</b>	:	
<b>v.</b>	:	<b>Civil No.</b>
<b>One Smith &amp; Wesson M&amp;P 9mm Handgun, Serial Number HKT8908, including Magazine and Nineteen (19) Rounds of Ammunition,</b>	:	
	:	
<b>Defendant.</b>		
		: : : : :

**WARRANT FOR ARREST IN REM**

TO: THE MARSHAL OF THE UNITED STATES AND/OR ANY OTHER DULY AUTHORIZED LAW ENFORCEMENT OFFICER

WHEREAS, on \_\_\_\_\_, the United States of America filed a verified complaint for civil forfeiture in the United States District Court for the District of Maryland against the above-named defendant property, alleging that said property is subject to seizure and civil forfeiture to the United States for the reasons mentioned in the complaint; and

WHEREAS, the defendant property is currently in the possession, custody, or control of the United States; and

WHEREAS, in these circumstances Supplemental Rule G(3)(b)(i) directs the Clerk of the Court to issue an arrest warrant *in rem* for the arrest of the Defendant Property; and

WHEREAS, Supplemental Rule G(3)(c) provides that the warrant of arrest *in rem* must be delivered to a person or organization authorized to execute it;

NOW THEREFORE you are hereby commanded to arrest the above-named defendant property by serving a copy of this warrant on the custodian in whose possession, custody or

control the property is presently found, and to use whatever means may be appropriate to protect and maintain it in your custody until further order of this Court.

YOU ARE FURTHER COMMANDED, promptly after execution of this process, to file the same in this Court with your return thereon, identifying the individuals upon whom copies were served and the manner employed.

Date: \_\_\_\_\_

Clerk of the Court  
United States District Court

By: \_\_\_\_\_  
Deputy Clerk

## **MEMORANDUM**

DATE: September 7, 2018

TO: Anthony Green  
Drug Enforcement Administration

Becki Gannon  
U.S. Marshal Service

FROM: Naquita C. Ervin  
FSA Paralegal Specialist  
U.S. Attorney's Office - District of Maryland

RE: **U.S. v. One Smith & Wesson M&P 9mm Handgun, Serial Number HKT8908, including Magazine and Nineteen (19) Rounds of Ammunition**

**Civil Action No.**  
**CATS ID 18-DEA-636706 / GC-17-0049**

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The United States has filed a forfeiture action against **One Smith & Wesson M&P 9mm Handgun, Serial Number HKT8908, including Magazine and Nineteen (19) Rounds of Ammunition**. A copy of the Complaint for Forfeiture is attached.

Notice of this seizure will be published at [www.forfeiture.gov](http://www.forfeiture.gov) pursuant to Rule G of the Supplemental Rules for Admiralty or Maritime and Asset Forfeiture Claims.

Thank you.

Attachment

PLAINTIFF <b>UNITED STATES OF AMERICA</b>	COURT CASE NUMBER
<b>One Smith &amp; Wesson M&amp;P 9mm Handgun, Serial Number HKT8908, including Magazine and Nineteen (19) Rounds of Ammunition</b>	
SERVE  AT	NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC. TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN <b>18-DEA-636706 / GC-17-0049</b>  ADDRESS (Street or RFD, Apartment No., City, State, and ZIP Code)

SEND NOTICE OF SERVICE TO REQUESTER AT NAME AND ADDRESS BELOW:	Number of process to be served with this Form - 285
Naquita C. Ervin, Paralegal Specialist U.S. Attorney's Office 36 S. Charles Street, 4th floor Baltimore, Maryland 21201	Number of parties to be served in this case
	Check for service on U.S.A.

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (*Include Business and Alternate Address, All Telephone Numbers, and Estimated Times Available For Service*)

Post Notice on property premises. Fill in the date of arrest in this process receipt and return our copy.

Signature of Attorney or other Originator requesting service on behalf of:  <i>Tamara L. Fox</i>	<input checked="" type="checkbox"/> PLAINTIFF <input type="checkbox"/> DEFENDANT	TELEPHONE NUMBER 410-209-4800	DATE 9/7/18
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**SPACE BELOW FOR USE OF U.S. MARSHAL ONLY - DO NOT WRITE BELOW THIS LINE**

I acknowledge receipt for the total number of process indicated. (Sign only first USM 285 if more than one USM 285 is submitted)	Total Process No. _____	District of Origin No. _____	District to Serve No. _____	Signature of Authorized USMS Deputy or Clerk	Date
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I hereby certify and return that I  have personally served,  have legal evidence of service,  have executed as shown in "Remarks", the process described on the individual, company, corporation, etc. at the address shown above or on the individual, company, corporation, etc., shown at the address inserted below.

I hereby certify and return that I am unable to locate the individual, company, corporation, etc., named above (*See remarks below*).

Name and title of individual served ( <i>If not shown above</i> ).	<input type="checkbox"/> A person of suitable age and discretion then residing in the defendant's usual place of abode.
Address ( <i>complete only if different than shown above</i> )	Date of Service Time am pm
	Signature of U.S. Marshal or Deputy

Service Fee	Total Mileage Charges (including endeavors)	Forwarding Fee	Total Charges	Advance Deposits	Amount Owed to US Marshal or	Amount or Refund
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REMARKS:

PRIOR EDITIONS MAY  
BE USED

SEND ORIGINAL + 2 COPIES to USMS.

FORM USM 285 (Rev. 12/15/80)